

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter Trademark Registration No. 2,432,347

For the Mark: USA ID

Date Registered: February 27, 2001

Conair Corporation,

Petitioner,

vs.

United States Identification Card, Inc.

Registrant.

Cancellation No. \_\_\_\_\_



04-14-2004

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

**PETITION FOR CANCELLATION**

Petitioner is Conair Corporation, a corporation organized and existing under the laws of the state of Delaware, having a business address of One Cummings Point Road, Stamford, CT 06902, (herein after referred to as "Petitioner"). To the best of Petitioner's knowledge, the above identified registration is owned by United States Identification Card, Inc., a corporation organized under the laws of the state of Nevada, with a business address of 5959 W. Century Boulevard, Suite 1101, Los Angeles, California 90045, (herein after referred to as "Registrant"). The above-mentioned Petitioner believes that it will be damaged by the registration of U.S. Trademark Registration No. 2,434,347 for the trademark "USA ID", and hereby petitions to cancel the same.

The grounds for the cancellation are as follows:

1. Petitioner has applied to register the mark USA ID on the Principal Trademark Register for use on or in connection with "Encoded smart

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cards, encoded intergrated circuit cards, encoded electronic chip cards containing programming to track individuals, products, and shipping containers. Encoded electronic chip cards for use in identifying particular users of a global security system. Blank electronic chip cards, blank smart cards, blank integrated chip cards. Communication servers. Communication software for connecting via a global computer network. Computer software and programs for use in database management in the field of security that may be downloaded from a global computer network. Computer software for application and database management. Electronic database in the field of security recorded on computer media. Computer communications software to allow customers to access personal security information. Computer network hubs, switches and routers. Computer operating systems. Computer software for accessing information directories that may be downloaded from a global computer network. Computer software to automate data warehousing. Global Positioning System (GPS) consisting of computers, computer software, transmitters, receivers, and network interface devices. Interactive multimedia computer program for security purposes. Facilities management software, namely, software to control the contents of shipment containers and the entry and exit of individuals through security check points" in International Class 9 under 15 U.S.C. 1051 (b), Section 1(b) of the Trademark Act, on April 4, 2003 and was assigned Serial No. 78/233907 by the United States Trademark Office.

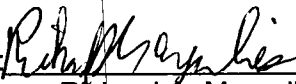
2. Petitioner has a bona fide intention to use the trademark USA ID on or in connection with the aforementioned goods.
3. Registration No. 2,432,347 has been cited as a potential bar to the registration of Petitioner's Application No. 78/233907 in an Office Action dated October 14, 2003.
4. Upon information and belief, Registration No. 2,432,347 has not been in use in commerce in the U.S., and Registrant has discontinued use of said registration with an intent to not resume such use.
5. Upon information and belief, Registration No. 2,434,347 has been abandoned within the meaning of §45 of the Trademark Act, 15 USC §1127.
6. If the abandoned Registration No. 2,434,347 is permitted to remain registered, Petitioner will continue to suffer injury to itself and its trademark rights, including the maintained refusal to allow to registration of Petitioner's Application No. 78/233907.

WHEREFORE, Petitioner requests that Registration No. 2,432,347 be canceled and that this petition for cancellation be sustained in favor of Petitioner on the merits, with prejudice, and without leave to refile

This Petition is submitted in duplicate and the required fee is enclosed herewith.

Dated: September 16, 2003

Conair Corporation

By: 

Richard A. Margulies  
Vice President & General Counsel  
Conair Corporation  
1 Cummings Point Road  
Stamford, CT 06904  
203-351-9088

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD  
TRADEMARK TRANSMITTAL FORM

In Re Registration:

Mark:

USA ID

Registration No.:

2,432,347



04-14-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22

**BOX TTAB FEE**

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

We are enclosing for filing for the above-identified application:

1. Petition to Cancel (in duplicate);
2. Postcard; and
3. Duplicate copy of this letter.

The Commissioner is hereby authorized to charge any amounts due or to credit any overpayment to our Deposit Account No.: 501239. A duplicate copy of this authorization is enclosed for such purpose.

Respectfully submitted,

Richard A. Margulies  
Vice President & General Counsel  
Conair Corporation  
One Cummings Point Road  
Stamford, CT 06902  
(203) 351-9088

Dated: April 14, 2004

**Certificate of Express Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Express mail in an envelope addressed to: Box TTAB No Fee, 2900 Crystal Drive, Arlington, VA 22202-3315 on:

Mailing date: April 14, 2004  
~~September 16, 2003~~

Debra M. Duguid

Dated: April 14, 2004

Express Mail Envelope

No.: **EV058363145US -**